

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MYRTIS PAULO HART,

Plaintiff,

vs.

No. CV 21-01217 WJ/KK

CURRY COUNTY ADULT DETENTION CENTER,
CENTRAL NEW MEXICO CORRECTIONS FACILITY,
ALBUQUERQUE DETENTION CENTER,
NORTHWESTERN CORRECTIONS FACILITY,
FBI (INVESTIGATIVE TOOL), FCC (FEDERAL CENSORSHIP
COMMISSION),

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Prisoner's Civil Rights Complaint (Doc. 1) filed by Plaintiff Myrtis Paulo Hart. The Court will dismiss the Complaint without prejudice for failure to comply with a Court order, statutes, and rules, and failure to prosecute this proceeding.

This is one of the many cases Plaintiff Myrtis Paulo Hart has filed in this Court.¹ Plaintiff Hart filed his Complaint on December 27, 2021. (Doc. 1). At the time of filing of the Complaint,

¹ *Hart v. State of New Mexico*, CV 19-00089 MV/GJF; *Hart v. Gallegos*, CV 19-00128 JCH/JFR; *Hart v. Gallegos*, CV 19-00175 RB/GBW; *Hart v. Gallegos*, CV 19-00766 JB/KBM; *Hart v. Gallegos*, CV 19-00834 MV/JHR; *Hart v. Gallegos*, CV 19-00932 MV/SCY; *Hart v. Gallegos*, CV 20-00595 WJ/SMV; *Hart v. Borne*, CV 20-00965 KG/JFR; *Hart v. McDonald's*, CV 20-01044 WJ/JFR; *Hart v. Central New Mexico Correctional Facility*, CV 20-01046 KG/GB; *Hart v. Clovis Police Department*, CV 20-01064 KG/SMV; *Hart v. Federal Bureau of Investigation*, CV 20-01141 MV/JFR; *Hart v. United States*, CV 21-0008 KG/CG; *Hart v. Lytle*, CV 21-00017 MV/GBW; *Hart v. Saavedra*, CV 21-00106 KWR/GBW; *Hart v. Guadale*, CV 21-00131 JB/SCY; *Hart v. Northwestern New Mexico Correctional Facility*, CV 21-00136 KG/KK; *Hart v. Central New Mexico Correctional Facility*, CV 21-00137 KWR/JFR; *Hart v. Northwestern New Mexico Correctional Facility*, CV 21-00186 JB/SMV; *Hart v. Curry County Adult Detention Center*, CV 21-01011 RB/KBM; *Hart v. Talin Market World Food Fare*, CV 21-01012 KG/SCY;

Hart was incarcerated at the Central New Mexico Correctional Facility. (Doc. 1 at 1). Hart names as Defendants the Curry County Adult Detention Center, Central New Mexico Corrections Facility, Albuquerque Detention Center, Northwestern Corrections Facility, the FBI, and the FCC. (Doc. 1 at 1). In his Complaint, Hart makes disjointed allegations of attempted murder, race discrimination, injury during transport, risk of exposure to COVID-19, improper use of an unspecified investigative tool by the FBI, murder of his son, invasion of privacy, and false imprisonment in violation of his 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th Amendment rights and the physician-patient privilege. (Doc. 1 at 2-6). He claims these actions have caused him “PTSD, Neurosis, Anxiety Attacks, inner ear broken bones, Nerve damage, extensive damage to organs (Brain, etc., Privacy Damages, etc.” (Doc. 1 at 6). Hart seeks damages in the amounts of \$600 Million, \$500 Million, and \$750 Million. (Doc. 1 at 6, 13).

Plaintiff did not pay the filing fee or submit an application to proceed *in forma pauperis* at the time he filed the Complaint. The Court entered an Order to Cure Deficiency on March 24, 2022, directing Plaintiff Hart to either pay the filing fee or submit an application to proceed under 28 U.S.C. § 1915 within thirty days of entry of the Order. (Doc. 2). With the Order to Cure, the Court also provided Plaintiff with a form Application to Proceed in District Court Without Prepayment of Fees or Costs. (Doc. 2 at 2). The Order advised Plaintiff that, if he failed to cure

Hart v. Dank Smoke Shop and Grocery, CV 21-01013 KG/GBW; *Hart v. Discount Liquors*, CV 21-01014 JCH/SCY; *Hart v. State of New Mexico*, CV 21-01048 JCH/KRS; *Hart v. Adult Probation and Parole*, CV 21-01049 JB/KBM; *Hart v. Martinez*, CV 21-01073 JB/GB; *Hart v. Summit Food Service*, CV 21-01074 MIS/LF; *Hart v. Sellers*, CV 21-01075 MV/KK; *Hart v. Curry County Adult Detention Center*, CV 21-01078 MV/SMV; *Hart v. Curry County Adult Detention Center*, CV 21-01079 KG/KRS; *Hart v. Seven-Eleven*, CV 21-01105 KG/GJF; *Hart v. WalMart*, CV 21-01107 MV/KRS; *Hart v. Sahara Hotel*, CV 21-01108 JB/KRS; *Hart v. Federal Bureau of Investigation*, CV 21-01124 KG/SCY; *Hart v. Foot Locker Corporation*, CV 21-01135 MIS/GBW; *Hart v. Lil Caesars*, CV 21-01136 KWR/KBM; *Hart v. Transition for Living*, CV 21-01137 MV/CG; *Hart v. Fairfield (Hotel)*, CV 21-01161 WJ/SCY.

the deficiencies within the 30-day time period, the Court could dismiss this proceeding without further notice. (Doc. 2 at 1).

Plaintiff Hart did not comply with the Court's March 24, 2022 Order. Mail sent to Plaintiff at the Central New Mexico Corrections Facility address was returned as undeliverable and marked "discharged." (Doc. 3, 4).

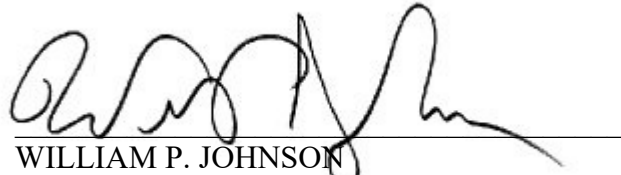
The Court, on its own initiative, searched the New Mexico Department of Corrections' records and confirmed that Plaintiff has been released from the Central New Mexico Correctional Facility and is no longer in custody of the Department of Corrections.² The Court has received no filings, change of address, or other communications from Plaintiff Hart since December 27, 2021, when he filed this proceeding.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Hart has failed to comply with D.N.M. LR-Civ. 83.6

Plaintiff has failed to either pay the filing fee or submit a complete application to proceed under § 1915 in proper form. (Doc. 2). The Court may dismiss a proceeding under Fed. R. Civ. P. 41(b) for failure to comply with statutes or rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order of March 24, 2022, failure to comply with statutes and rules, and failure to prosecute this proceeding.

² See, e.g., CV 21-01049 DHU/KBM, CV 21-01073 JB/GBW, CV 21-1075 MV/KK, CV 21-01077 KWR/CG, CV 21-01011 RB/KBM, CV 21-01137 MV/CG, CV 21-01161 DHU/SCY.

IT IS ORDERED the Prisoner's Civil Rights Complaint (Doc. 1) filed by Plaintiff Myrtis Paulo Hart is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's March 24, 2022, Order, failure to comply with statutes and rules, and failure to prosecute.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE